



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029



SDMS DocID 2095127

NOV 03 2006

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mrs. Julie Malbon  
1040 S. Oceana Boulevard  
Virginia Beach, Virginia 23454

**Re: Julie Malbon (personally)**  
**1040 S. Oceana Boulevard**  
**Virginia Beach, Virginia**

Dear Mrs. Julie Malbon:

The U.S. Environmental Protection Agency ("EPA") is seeking information relating to both the liability of Oceana Salvage Inc. ("Oceana") and its ability to pay for or perform a cleanup at the Oceana Salvage Site, located at 1040 S. Oceana Boulevard, Virginia Beach Virginia ("Site" or the "Facility").

For roughly five decades, Oceana operated as an auto salvage and recycling yard. The Virginia Department of Environmental Quality ("VADEQ") referred the Site to EPA for rededication. EPA conducted sampling at the Site, which shows concentrations of lead above action levels from contamination in waste piles and in the soil on the Site. EPA believes that there is a threat to public health, welfare and the environment due to the threat of release of hazardous substances from the Site. The presence of hazardous substances at the Site and the past, present, and/or potential migration of hazardous substances from the Site constitutes an actual and/or threatened "release" as defined in Section 101(22) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, ("CERCLA"), 42 U.S.C. § 9601(22). The hazardous substances at the Site include, but are not limited to, lead, which is a hazardous substances within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601 (14), and 40 C.F.R. §§ 302.4 and 302.4(b).

Pursuant to the authority of Section 104(e) of CERCLA as amended, 42 U.S.C. § 9604(e), EPA has the authority to require you, as the present owner of the Site to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to the identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at the facility as well as your ability to pay for or perform a cleanup at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for a party's failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations in response to this information request may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Instructions for responding to this required submission of information are provided below.

### INSTRUCTIONS

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure 1, *Business Confidentiality Claims/Disclosure To EPA Contractors & Grantees of Your Response*. You must clearly mark such information by either stamping or using any other form of notice that such information is trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of a question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response insufficient and thus, a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number or letter of the specific question(s) or subpart of the question(s) to which it responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth, or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure 2, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure 2. Those terms shall have the meaning set forth in Enclosure 2 any time such terms are used in this Information Request and/or its Enclosures.

## QUESTIONS

1. Identify the past and current ownership of the Site property located at 1040 S. Oceana Boulevard, Virginia Beach, Virginia from 1940 to present. Please provide supporting documentation, including a copy of all deeds or wills regarding this property.
2. Describe your involvement with Oceana. Specifically include:
  - a. the role(s) you have played in the management of Oceana, including a description of each role and the time held, your role as an incorporator, and any shares held in Oceana since its inception.
  - b. Any compensation that you have received or expect to receive from Oceana.
3. Identify the present and past owners of the Site. Please provide deeds and other documents relevant to legal title of the Site
4. Describe all income derived from the Site, including but not limited to rental income. Provide the source of income and the monthly value.
5. Document your annual income for the last three fiscal years. Provide federal tax returns and explanations if necessary.
6. Provide a copy of all lease agreements for the time the Site has been owned by Oceana and/or any member of the Malbon family.
7. Describe the business relationship, if any, between Oceana and Anolia Recycling, LLC.
8. Describe the relationship between Oceana and Nick Anolia, including a description of all positions he held on the board of directors of Oceana and the extent and nature of his involvement with its day to day operations of Oceana.
9. Explain how and when Anolia Salvage and/or Nick Anolia became the current operator of a business at the Site.
10. Describe the arrangement by which Anolia Salvage, LLC uses the name Oceana Salvage, Inc. Include whether permission was granted and whether you or any other party is compensated for its use.
11. Identify any assets transferred to you personally or to other parties from Oceana Salvage. Identify the type and value of such assets.

12. Describe and provide records related to all insurance policies held by any current or former owners of the property . Complete the attachment, Enclosure 5, *Insurance Information Request form*.
13. Describe and provide documentation of your personal finances for the prior five (5) years. Include federal tax returns.
14. Provide the name, title, address, and telephone number of the person(s) responding to these requests for information on behalf of Oceana Salvage.
15. Provide the name, title, address, and telephone number of all persons with knowledge, information, or documents responsive to (1) through (14) above or knowledge of any other information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. Include the party's name, address, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

You must respond in writing to this required submission of information within **21 calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

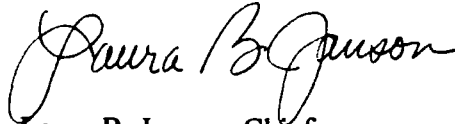
All documents and information should be sent to:

Lawrence H. Richardson, Civil Investigator  
Cost Recovery Branch, Mail Code (3HS62)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

If you have any questions concerning this matter, please contact Lawrence H. Richardson, (215) 814-3289, or have your attorney contact James Van Orden in the Office of Regional Counsel, (215) 814-2693.

Sincerely,



Laura B. Janson, Chief  
Cost Recovery Branch

- Enclosures:
1. Business Confidentiality Claims/Disclosure of Your Response to EPA  
Contractors and Grantees
  2. Definitions
  3. List of Contractors That May Review Your Response
  4. Financial Statement of Corporate Debtor
  5. Request for Information about Insurance Coverage

cc: ORC, James Van Orden (3RC42) ✓  
Mr. James Boyd, Esq.

## **Enclosure 1**

### **Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

### **Disclosure Of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See Enclosure 3) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure 3, you must notify EPA in writing at the time you submit such documents.

## Enclosure 2

### Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, interoffice and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, holding companies.



**Enclosure 3**

[rev. 10/2006]

**List of Contractors That May Review Your Response**

- Chenega Integrated Systems, LLC  
Contract #EP-S3-04-01  
Subcontractors:
    - DPR
    - Tri-State Enterprise Corporation
  - Tetra Tech EM, Inc.  
Contract #68-S3-0002  
Subcontractor:
    - Eagle Instruments, Inc.
  - Ecology and Environment, Inc.  
Contract #68-S3-0001  
Subcontractor:
    - S & S Engineers, Inc.
  - IT Corporation  
Contract #68-S3-00-06  
Subcontracts:
    - Weavertown Environmental Group
    - Environmental Restoration Company
  - Earth Tech, Inc.  
Contract #68-S3-00-07  
Subcontractors:
    - Industrial Marine Services, Inc.
    - Cline Oil
    - Hertz Equipment Rental
  - CDM-Federal Programs Corporation –  
Contract #68-S7-3003  
Subcontractors:
    - Tetra Tech EM, Inc.
    - Robert Kimball & Associates
    - PMA & Associates
    - Horne Engineering
    - Pacific Environmental Services
  - Black and Veatch Waste Science and Technology Corporation/Tetra Tech, Inc.  
Contract #68-S7-3002  
Subcontractor:
    - Enviro Consultants Group
  - Eisenstein Malanchuck, LLP  
Contract #EP-W-06-014  
Subcontractors:
    - James C. Hermann & Associates
    - R. M. Fields International, LLC
  - McRae & Company, Inc.
  - Tech Law, Inc.  
Contract #EP-S3-04-03
  - WRS Infrastructure & Environment, Inc. –  
Contract # 68-S3-03-02
  - Kemron Environmental Services  
Contract # 68-S3-03-05
  - Industrial Marine Services, Inc.  
Contract # 68-S3-03-03
  - Guardian Environmental Services, Inc.  
Contract # 68-S3-03-04
  - Booz-Allen & Hamilton  
Contract # GS-10F-0090J (GSA Schedule)
- List of Inter-Agency Agreements
- General Services Administration  
CERCLA File Room  
Contractor: Booz-Allen & Hamilton
  - General Services Administration  
Spectron Superfund Site  
Breslube Penn Superfund Site  
Contractor: Booz-Allen & Hamilton
- List of Cooperative Agreements
- National Association of Hispanic Elderly -  
#CQ-822511
  - AARP Foundation (Senior Environmental Employment) -  
#824021  
#823952
  - National Older Work Career Center, Inc.  
(NOWCC)- #CQ-830919

**Enclosure 4**

**FINANCIAL STATEMENT OF CORPORATE DEBTOR**

**Submitted For Government  
Action on Claims Due  
To The United States**

(Use Additional Sheets Where Needed)

1. Name (Debtor) \_\_\_\_\_ Type 1-For Profit ( ) 2-Not for Profit ( )

2. Business Address (Include Street Address if PO Box) \_\_\_\_\_  
\_\_\_\_\_

**Note: Attach schedule of all business addresses**

3. Foreign \_\_\_\_\_ Domestic \_\_\_\_\_

4. Legal form of business organization during last five (5) years.

\_\_\_\_\_ Corporation

\_\_\_\_\_ Subchapter S Corporation

\_\_\_\_\_ Partnership

\_\_\_\_\_ Proprietorship

\_\_\_\_\_ Trust

\_\_\_\_\_ Other? \_\_\_\_\_

5. State of Incorporation \_\_\_\_\_ Date of Incorporation \_\_\_\_\_

6. List all States where you are authorized to do business during the last five years.  
\_\_\_\_\_

7. Name, Address and Phone number of Registered \_\_\_\_\_  
\_\_\_\_\_

8. Names and addresses of principal stockholders. Number of shares owned by each. (If more than 4 shareholders, list only those with 5 percent or more stock ownership.) Total outstanding shares  
\_\_\_\_\_

	Name	Address	Shares
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____

9. (A) Names and addresses of current (and for previous five years) officers and number of shares held by each.

	Name	Address	Shares	Term
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____

(B) Names and addresses of current (and for previous five years) members of board of directors and number of shares held by each.

	Name	Address	Shares	Term
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____

10. Has this organization ever issued a prospectus for the sale of stock? Yes ( ) No ( ).  
 List date, number, and type of shares for each prospectus during the last five years.

\_\_\_\_\_

11. (A) Registration on national or local stock exchange(s). (Give details, including date of registration and/or delisting).

(1) \_\_\_\_\_  
(2) \_\_\_\_\_

- (B) Total authorized (outstanding) shares for each type issued and present market value per share on each type of stock (or book value if not actively traded).

Type of Shares	Total Shares	Book Value	Market Value
(1) _____	_____	_____	_____
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____
(4) _____	_____	_____	_____

- (C) Total outstanding shares of each type of stock currently being held as Treasury Stock.

\_\_\_\_\_  
\_\_\_\_\_

- (D) Amount of bonded debt and principal bondholders.

\_\_\_\_\_  
\_\_\_\_\_

12. List states and municipalities to which taxes have been paid and/or are being paid. Describe nature and amount of such taxes, state most recent year of payment thereof and whether tax payments are current.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Has this organization filed United States income tax returns during the last 5 years? Yes ( ) No ( )  
To what I.R.S. Office(s)? \_\_\_\_\_  
What years? \_\_\_\_\_

Are Federal taxes current? Yes ( ) No ( )

Provide copies of your income tax returns for the past five (5) years.

14. Names and addresses of

(A) Organization's independent certified public accountants

---



---

(B) Organization attorney(s) retained by organization for the past five years.

---



---

15. Has this organization filed financial forms with any organization or government entity for any purpose within the past five years? List name of organization or government entity, date, and type of financial form.

---



---



---

16. Does this organization have a Profit and Loss Statement and Balance Sheet for the most recent three months, calendar or fiscal year, **and** for the past five years? Submit one copy of each. (Audited Documents are preferred. If Balance Sheets and Income Statements are submitted, answer only questions (3)A, (3)B, and (3)C below).

(1)	<u>Assets</u>		<u>Amount</u>				
	Year						
Cash	\$						
Securities	\$						
Existing							
Facilities	\$						
Equipment	\$						
Original							
Cost	\$						
Depreciation	\$						
Inventory	\$						
Accounts							
Receivable	\$						
Other	\$						
TOTAL ASSETS	\$						

(2) Liabilities

	Year				
Loans Payable <sup>1</sup>					
Principal	\$				
Monthly Payment	\$				
Mortgages <sup>2</sup>					
Principal	\$				
Monthly Payment	\$				
Accounts Payable	\$				
Deferred Taxes	\$				
Insurance	\$				
Other	\$				
<u>Stockholder's Equity</u>					
Common Stock	\$				
Paid-in-Capital	\$				
Retained Earnings	\$				
Total Liabilities and Stockholder's Equity	\$				

<sup>1</sup> Complete loan information as requested on page 6, under A) Loans Payable.

<sup>2</sup> Complete mortgage information as requested on page 6, under B) Mortgages Payable.

(3) Income/Expenses

Gross Income

Net

Sales	\$	_____	_____	_____	_____	_____
Interest						
Income	\$	_____	_____	_____	_____	_____
Dividends	\$	_____	_____	_____	_____	_____
Other	\$	_____	_____	_____	_____	_____

Operating Expenses

Wages	\$	_____	_____	_____	_____	_____
Overhead	\$	_____	_____	_____	_____	_____
Lease						
Paymts.	\$	_____	_____	_____	_____	_____
Interest						
Expense	\$	_____	_____	_____	_____	_____
Cost of						
Sales	\$	_____	_____	_____	_____	_____
Net						
Income	\$	_____	_____	_____	_____	_____

A. LOANS PAYABLE

Owed to/Purpose	Term/Interest Rate	Collateral/Cosigner
-----------------	--------------------	---------------------

1) \_\_\_\_\_

2) \_\_\_\_\_

Monthly Payments	Original Amount/Date	Present Balance
------------------	----------------------	-----------------

1) \_\_\_\_\_

2) \_\_\_\_\_



**B. MORTGAGES PAYABLE**

	Address	Term/Interest Rate	Collateral/Cosigner
1)	_____	_____	_____
2)	_____	_____	_____

	Monthly Payments	Original Amount/Date	Present Balance
1)	_____	_____	_____
2)	_____	_____	_____

**C. Provide the following firm size information for the past five years:**

(1) Number of Employees	_____	_____	_____	_____	_____
(2) Size of Warehouse	_____	_____	_____	_____	_____
(3) Number and Size of Shipments	_____	_____	_____	_____	_____

Attach the additional past five years for question 16 on a separate sheet.

17. Does this organization maintain bank accounts? Provide names and addresses of banks, savings and loan associations, and other such entities, within the United States or located elsewhere. Indicate name and number of accounts and balances.

	Name of Bank	Account Number	Balance (Approx.)
(A)	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**(B) Other Account(s)**

---

---

---

**(C) Savings & Loan Associations or other such entities**

---

**(D) Trust Account(s)**

---

**(E) Other Account(s)**

---

18. List all commercial paper, negotiable or non-negotiable, in which the organization has any interest whatsoever, presently in transit or in the possession of any banking institution. Describe such paper and the organization's interest therein, and state its present location. List all accounts and loans receivable in excess of \$300 and specify if due from an officer, stockholder, or director.

---

---

---

---

19. Has this organization engaged in any Joint Loan Agreements, including Letters of Credit, with any other organization(s)? Describe all such agreements.

---

---

---

---

20. Does this organization have any debt co-insured by another organization? Describe all such agreements.

---

---

---

---

21. List all equity participation in other organizations both domestic and foreign in which this organization has an interest, including the type, amount, and terms of such interest.

---



---



---



---

22. List all debt participation in other organizations both domestic and foreign in which this organization has an interest, including the type, amount, and terms of such interest.

---



---

23. Is this organization presently:

(A) Active  
(Answer "No" for inactive, but still in existence) Yes ( ) No ( )

(B) Void and/or terminated by state authority Yes ( ) No ( )

(C) Otherwise dissolved Yes ( ) No ( )

1) date \_\_\_\_\_

2) by whom \_\_\_\_\_

3) reason \_\_\_\_\_

24. (A) List corporate salaries to and/or drawings of the following personnel for the last five taxable years:

<u>Position (Including Officers)</u>	<u>Specify Year</u>				
	_____	_____	_____	_____	_____
President _____	_____	_____	_____	_____	_____
Chairman/Board _____	_____	_____	_____	_____	_____
Secretary _____	_____	_____	_____	_____	_____
Treasurer _____	_____	_____	_____	_____	_____

- (B) List the five most highly compensated employees or officers other than those above, describe their positions, and set forth annual salaries and/or bonuses for the last five taxable years:

	<u>Name</u>	<u>Position</u>	<u>Specify Year</u>				
1.	_____	_____	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____	_____	_____

- (C) Describe the nature of the compensation paid to the persons listed in (A) and (B) above and set forth any stock options, pensions, profit sharing, royalties, or other deferred compensation rights of said persons.

---

---

---

---

---

25. List organization's commercial activity (fields of activity resulting in income) and SIC Code.

	Commercial Activity	SIC Code
Primary	_____	_____
Other 1	_____	_____

26. List all other supplementary fields of activity in which this organization is engaged, either directly or through subsidiaries or affiliates, stating the name(s) and state(s) of incorporation of such subsidiaries or affiliates.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

27. Has this organization at any time been the subject of any proceeding under the provisions of any State Insolvency Law, or the Federal Bankruptcy Act, as amended? If so, supply the following information as to each such proceeding:

(A) Date (Commencement) \_\_\_\_\_

(B) Date (Termination) \_\_\_\_\_

(C) Discharge or other disposition, if any, and operative effect thereof: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(D) State Court \_\_\_\_\_ Federal Court \_\_\_\_\_  
County District

(E) Docket No. \_\_\_\_\_

28. (A) List all Real Estate and Personal Property of an estimated value in excess of \$500.00 owned or under contract to be purchased by this organization and where located:

---

---

---

---

- (B) List and describe all judgments, recorded and unrecorded:

- 1) Against the organization

---

---

---

---

- 2) In favor of the organization

---

---

---

---

- (C) List and describe all other encumbrances against Real Estate owned by the organization (including but not limited to mortgages, recorded or unrecorded):

---

---

---

---

- (D) List and describe all other encumbrances (including but not limited to Security Interest, whether preferred or not) against any such personal property owned by the organization as is listed in 28(A) above:

---

---

---

---

- (E) List and describe location of Real Estate, including Real Estate being purchased under contract, with name and address of Seller and contract price:

---

---

---

---

29. List all Life Insurance, now in force on any or all Officers, Directors, and/or "key" employees, setting forth face amounts, names of life insurance companies, and policy numbers where this organization has an "insurable interest" and/or is paying the premium or part of same. Where applicable, indicate under which policy(ies) this organization is a Beneficiary, type of policy(ies), yearly premium, and location of policy(ies). In addition, describe the conditions of and borrowing options available under each policy.

---

---

---

---

30. For the following types of policies, list all primary and excess insurance policies, the deductible amount per the occurrence, and aggregate coverage limit for each policy. List all policies held by the firm (or predecessor firms) starting from the date on which the pollution incidents began.

A. Comprehensive General Liability

---

---

---

B. Environmental Impairment Liability

---

---

C. Other policies for which coverage might apply, including participation in risk retention pools

---

---

31. List all transfers of any or all assets, real and/or personal and each (over \$300.00) made by this organization, OTHER THAN IN THE ORDINARY COURSE OF BUSINESS, during the last three (3) calendar years and state to whom the transfer was made. Describe compensation paid by recipient and to whom.

Date	Amount	Property Transferred	To Whom	Conditions of Transfer
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

32. Is this organization a party in any law suit now pending?  
Yes ( ) (Give details below) No ( )

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

33. Please list names and addresses of any persons or other business entity, holding funds in escrow or in trust for this organization, or any of its subsidiaries or affiliates.

34. Does this organization have any contracts with any Federal or State Agency. If yes, identify the Agency, Agency point of contact, contract number, terms and accounts receivable.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

34. Other Information Requested: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

35. Additional Remarks: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Verification and Affidavit

With knowledge of the penalties for false statements provided by 18 U.S.C. 1001 (\$10,000 fine and/or five years imprisonment) and with knowledge that this financial statement is submitted by me as a responsible officer of this organization to affect action by the Department of Justice, I hereby certify that I believe and I completely understand the above statement, and that the same is a true and complete statement of all organization income and assets, real and personal, whether held in the company name or otherwise.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Affiant (Officer)

\_\_\_\_\_  
(List Corporate Position)

\_\_\_\_\_  
NOTARY PUBLIC

## **Enclosure 5**

### **Request for Information about Insurance Coverage**

1. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the site or facility (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Rededication Care Insurance.
2. To the extent not provided in Question 1 above, provide copies of all insurance policies that may potentially provide the Respondent with insurance for bodily injury or property damage in connection with the Site and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability). Include, without limitation, all primary, excess, and umbrella policies.
3. If there are any such policies from Questions 1 or 2 above of which you are aware but have no copies, identify each such policy to the best of your ability by identifying:
  - a. The name and address of each insurer and of the insured;
  - b. The type of policy and policy numbers;
  - c. The per occurrence policy limits of each policy; and
  - d. The effective dates for each policy.
4. Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated as identified in Question 1 and identify the time period during which such broker or agent acted in this regard.
5. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the Site. Include any responses from the insurer with respect to any claims.
6. Identify any previous settlements with any insurer in connection with the Site, or for any claims for environmental liabilities during the time period in questions. Include any policies surrendered or cancelled by the Respondent or insurer.
7. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.
8. Identify Respondent's policy with respect to document retention.